

Message Text

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ACTION SS-25

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC NIACT IMMEDIATE 05

C O N F I D E N T I A L SEOUL 3344

EXDIS

E.O. 11652: GDS

TAGS: PINT KS

SUBJECT: NEW KOREAN EMERGENCY MEASURES

REF: SEOUL 3345

FOLLOWING IS TEST OF STATEMENT ON NEW EMERGENCY
MEASURES TO BE ANNOUNCED BY ROKG MAY 13. STATEMENT WAS
GIVEN TO AMBASSADOR MAY 12 BY FONMIN. REPORT ON MEETING
WITH FONMIN TRANSMITTED SEPTEL.

BEGIN TEXT:

PRESIDENT PARK WILL PROCLAIM NEW EMERGENCY MEASURES
ON MAY 13TH ACCORDANCE WITH ARTICLE 53 OF THE
CONSTITUTION.

THE EMERGENCY MEASURES FOR SAFEGUARDING NATIONAL
SECURITY AND PUBLIC ORDER ARE DESIGNED TO COPE WITH
SERIOUS THREAT TO THE NATIONAL SECURITY POSED BY
RECENT INTERNATIONAL DEVELOPMENTS INCLUDING INDOCHINA
AND KIM IL SUNG'S VISIT TO PEKING.
THE GOVERNMENT CONSIDERS IT ABSOLUTELY NECESSARY TO
FORGE A SOLID NATIONAL UNITY AT HOME IF WE ARE TO
MINIMIZE NORTH KOREA'S POSSIBLE MISCALCULATION ABOUT
THE SITUATION IN THE SOUTH AND THUS TO PRECLUDE
NORTH KOREA'S ACT OF ARMED PROVOCATIONS AND AGGRESSION.
WE HAVE WITNESSED IN SOUTH VIETNAM THAT INTERNAL
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DIVISION AND DOMESTIC UNREST AT HOME, IF REMAINED

UNCHECKED, WILL IRREVOCABLY UNDERMINE THE WHOLE
NATIONAL SECURITY EFFORTS.

THE EMERGENCY MEASURES WILL, AMONG OTHERS, CONTAIN THE
FOLLOWING PROVISIONS:

1. IT SHALL PROHIBIT ACTS OF FABRICATING OR DISSEMINATING
FALSE RUMOURS AND ACTS OF DISTORTING FACTS AND SPREADING
DISTORTED FACTS.
2. IT SHALL PROHIBIT ACTS OF DENYING, OPPOSING OR
DEFAMING THE CONSTITUTION OF THE REPUBLIC OF KOREA
INCLUDING THOSE OF ADVOCATING OR INSTIGATING THE
REVISION OR REPEAL OF THE CONSTITUTION BY MEANS OF
ASSEMBLY AND DEMONSTRATION OR THROUGH MASS MEDIA SUCH
AS NEWSPAPERS, BROADCASTING AND PUBLICATIONS, ETC.
3. IT SHALL PROHIBIT ASSEMBLY OR DEMONSTRATION AND
OTHER POLITICAL ACTIVITIES BY STUDENTS, EXCEPT CLASS AND
RESEARCH ACTIVITIES UNDER UNIVERSITY GUIDANCE AND
SUPERVISION AND OTHER NON-POLITICAL ACTIVITIES
AUTHORIZED BY UNIVERSITY PRESIDENTS.
4. IT SHALL PROHIBIT ANY PERSON TO BROADCAST OR REPORT
THE ACTS WHICH ARE PROHIBITED UNDER THESE EMERGENCY
MEASURES.
5. THE EMERGENCY MEASURES WILL PROHIBIT ACTS OF ILLEGALLY
MOVING ABROAD THOSE PROPERTIES OWNED BY THE REPUBLIC OF
KOREA AND ITS NATIONALS OR ACTS OF HIDING OR DISPOSING
ABROAD THOSE PROPERTIES TO BE INTRODUCED INTO THE COUNTRY.
6. THE MEASURES WILL ALSO PROHIBIT ACTS OF OBTAINING
EMIGRATION PERMIT OR ANY OTHER ACT OF FLEEING FROM THE
COUNTRY THROUGH FABRICATED DOCUMENTS OR OTHER IRREGULAR
MEANS.
7. THE EMERGENCY MEASURES WILL AUTHORIZE THE CABINET
MINISTERS CONCERNED TO TAKE APPROPRIATE ACTION AGAINST
THOSE PERSONS WHO VIOLATE THE EMERGENCY AND
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AGAINST SCHOOLS AND OTHER ORGANIZATIONS TO WHICH THE
VIOLATORS BELONG, INCLUDING AN ORDER FOR DISMISSAL AND
OTHER INJUNCTIONS.

8. ANY PERSON WHO VIOLATES THE EMERGENCY MEASURES
OR OTHER MEASURES TAKEN BY THE CABINET MINISTERS
CONCERNED IN ACCORDANCE WITH THE EMERGENCY MEASURES
SHALL BE SUBJECTED TO ARREST, DETENTION, SEARCH OR

SEIZURE, WITHOUT WARRANT THEREOF, AND SHALL BE PUNISHED BY IMPRISONMENT OF MORE THAN 1 YEAR. SUSPENSION OF QUALIFICATION (NOTE: CERTAIN CIVIL RIGHTS) NOT MORE THAN 10 YEARS MAY BE CONCURRENTLY IMPOSED.

9. A FINE EQUIVALENT TO 10 TIMES MORE THAN THE AMOUNT OF BRIBERY OR THE AMOUNT OF LOSS INFLICTED ON THE NATIONAL TREASURY SHALL BE CONCURRENTLY IMPOSED UPON THE GOVERNMENT OFFICIALS AND EMPLOYEES OF GOVERNMENT CONTROLLED ENTERPRISES, IN ADDITION TO SENTENCES STIPULATED IN EACH ARTICLE OF THE LAW, WHEN THEY COMMIT CRIMES AS PROVIDED FOR IN ARTICLE 2 (BRIBERY) AND ARTICLE 5 (USURPATION AND MISAPPROPRIATION) OF THE LAW CONCERNING SEVERER PUNISHMENT OF SPECIFIED CRIMES AFTER THESE EMERGENCY MEASURES GO INTO EFFECT.

10. THE VIOLATORS OF THESE EMERGENCY MEASURES SHALL BE TRIED AND SENTENCED BY CIVILIAN COURTS.

11. THE MINISTER OF NATIONAL DEFENSE MAY MOBILIZE TROOPS IF AND WHEN THE MAYORS OF SEOUL OR PUSAN AND PROVINCIAL GOVERNORS REQUEST SO IN ORDER TO MAINTAIN PUBLIC ORDER.

12. SPEECHES MADE BY MEMBERS OF THE NATIONAL ASSEMBLY IN THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES AT THE NATIONAL ASSEMBLY SHALL NOT BE SUBJECTED TO PUNISHMENT: WITH AN EXCEPTION OF THOSE DISSEMINATING PUBLICLY THE CONTENTS OF SPEECHES THROUGH BROADCASTING, REPORTING AND OTHER MEANS. END TEXT.
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